

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
In re Application of:

CLASSEN, John B.

Serial No.: 08/591,651

Filed: February 12, 1999

For: METHOD AND COMPOSITION
FOR AN EARLY VACCINE...

Art Unit: 1643

Examiner: BRUMBACK, B.

Washington, D.C.

September 7, 1999

Docket No.: CLASSEN=1A

AMENDMENT AFTER FINAL REJECTION

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

S i r :

In response to the final rejection mailed May 4, 1999, please enter the following amendments and remarks: 14/17 9-15-99

IN THE CLAIMS

In claims 32 and 56 delete "specific times after birth".

REMARKS

1. Formal Matters

1.1. The Examiner is respectfully reminded that Applicant is still awaiting a supervisory decision on the REQUEST FOR WITHDRAWAL OF FINALITY AND/OR VACATING OF LAST ACTION filed May 4, 1999. If that request is granted, then this amendment should be entered as a matter of right.

2. Double Patenting

The double patenting rejection has been maintained as to claims 6, 32 and 33, and extended to newly added claims 56-58 and 101.

It is respectfully requested that this rejection be held in abeyance until the kit claims (which are free of this rejection) are allowed. At that time, Applicant will either cancel the method claims, or file a terminal disclaimer.

2. Prior Art

2.1. The Examiner maintains (§6) the rejection of method claims 6, 21, 32 and 33, and further rejects new method claim 101,¹ as anticipated by Madore, apparently on the ground that

¹ Misabeled by the rejection as a kit claim in §6.